

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TERRANCE TUCKER,)
)
Petitioner) Civil Action
) No. 11-cv-00966
 v.)
)
MIKE WENEROWICZ, SUPERINTENDENT,)
)
Respondent)

O R D E R

NOW, this 9th day of April, 2015, upon consideration of the following documents:

- (1) Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, which petition was filed by petitioner, Terrance Tucker, pro se on February 9, 2011 ("Petition") (Document 1), together with
 - (A) Exhibit A, "PCRA Court Opinion", a copy of the Order and Opinion of Common Pleas Judge Renée Cardwell Hughes in Commonwealth of Pennsylvania v. Tucker, case number CP-51-CR-00511731-2002 (Phila.C.P. Nov. 5, 2008);
 - (B) Exhibit B, "Superior Court [PCRA] Opinion", a copy of a Memorandum Opinion issued in Commonwealth of Pennsylvania v. Tucker, Case No. 3224 EDA 2008 (Pa.Super. Mar. 30, 2010);
 - (C) Exhibit C 1-4, "Letters from Trial/Appellate Counsel"; and
 - (D) Petition for Writ of Habeas Corpus and Memorandum of Law in Support (Document 1);
- (2) Response to Petition for Writ of Habeas Corpus, which response was filed by respondent Mark Wenerowicz, et al. on July 11, 2011 (Document 12);

- (3) Traverse filed by petitioner pro se on July 26, 2011 (Document 13);
- (4) Report and Recommendation of United States Magistrate Judge Timothy R. Rice filed September 28, 2011 (Document 14);
- (5) Petitioner's Objections to Magistrate's Report and Recommendation, which objections were filed by petitioner pro se October 13, 2011 (Document 16);
- (6) Supplemental Petition filed by petitioner pro se on July 1, 2013 (Document 21);
- (7) Petitioner's Counselled Objections to the Magistrate Judge's Report and Recommendation, which counseled objections were filed on May 21, 2014 (Document 29); and
- (8) Response to Petitioner's Counselled Objections to the Magistrate Judge's Report and Recommendation, which response was filed on June 2, 2014 (Document 31);

after oral argument held before me on June 19, 2014; and for the reasons discussed in the accompanying Opinion,

IT IS ORDERED that the within Petition for writ of habeas corpus relief is conditionally granted.

IT IS FURTHER ORDERED that petitioner's conviction in Commonwealth of Pennsylvania v. Terrance Tucker, Criminal Docket No. CP-51-CR-0511731-2002 in the Court of Common Pleas of Philadelphia County, Pennsylvania, is vacated.

IT IS FURTHER ORDERED that petitioner shall be released from custody unless he is provided with a new trial, to commence on or before July 10, 2015.

IT IS FURTHER ORDERED that the petitioner's objection to the Report and Recommendation concerning the first ground for relief asserted in the Petition is sustained, and the Report and Recommendation is rejected as it pertains to petitioner's first ground for relief.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge